

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

FRANCISCO JAVIER REYES,

Defendant.

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No. CR-10-303-HE

Violations: 18 U.S.C. § 371
18 U.S.C. § 922(a)(5)

INFORMATION

The United States Attorney charges:

INTRODUCTION

At all times material to this Indictment:

1. FBF Inc. (Outdoor America), 1925 N. MacArthur Blvd., Oklahoma City, Oklahoma; Big Boy's Guns and Ammo, 7211 S. Council Road, Oklahoma City, Oklahoma; H&H Gun Range, 400 S. Vermont Suite 110, Oklahoma City, Oklahoma; and Butch's Guns, 5005 Oklahoma Ave., Woodward, Oklahoma, were firearms dealers licensed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to sell firearms.

2. As federally licensed firearms dealers, before these businesses could lawfully sell a firearm they were first required by federal law to have each buyer complete a Firearms Transaction Record (ATF Form 4473) certifying they are the “actual buyer of the firearm.” The ATF Form 4473 warns the buyer that they are not the actual buyer if they are “acquiring the firearm(s) on behalf of another person,” and that making a false statement on the form is a federal crime.

3. As federally licensed firearms dealers, the businesses are also required by federal law to maintain the completed ATF Forms 4473 at their places of business.

COUNT 1

4. From in or about March 2010 through July 2010, within the Western District of Oklahoma, and elsewhere

----- **FRANCISCO JAVIER REYES,** -----
knowingly, willfully and interdependently conspired and agreed with Gregorio Morales-Martinez, Jorge Alexis Blanco, and with others known and unknown to the Grand Jury, to commit offenses against the United States, including:

- 1) making or causing false statements when purchasing firearms (18 U.S.C. § 924(a)(1)(A));
- 2) transferring firearms to a person believed to reside outside the state of Oklahoma (18 U.S.C. § 922(a)(5));
- 3) possession of firearms with the serial numbers removed (18 U.S.C. § 922(k)); and

- 4) possession of firearms by an illegal alien (18 U.S.C. § 922(g)(5)).

OBJECT OF CONSPIRACY

5. The object of the conspiracy was to buy firearms illegally in Oklahoma and transfer the illegally purchased firearms to Texas where some were smuggled into Mexico.

MANNER AND MEANS

The object of the conspiracy was accomplished as follows:

6. Gregorio Morales Martinez, an illegal alien residing in Lewisville, Texas, paid **FRANCISCO JAVIER REYES** to buy multiple military type semiautomatic rifles illegally in Oklahoma. Martinez provided **REYES** with cash for the purchases and paid **REYES** a commission based on the number of firearms he delivered. **REYES** bought some firearms himself, and also recruited and paid others, including Jorge Alexis Blanco, M.M., and K.W. (deceased) (collectively “straw buyers”), to go to gun stores in the Oklahoma City area, act as straw buyers, and illegally purchase the firearms.

7. The straw buyers recruited and paid by **REYES** falsified ATF Forms 4473 by certifying they were the actual buyers of the firearms when, in fact, as the defendants knew, the firearms were purchased for **REYES**. **REYES** instructed the straw buyers how to make the purchases, including where to go and what to buy.

8. After leaving the businesses with the firearms, the straw buyers gave the firearms to **REYES**, who then gave them to Morales. Morales removed serial numbers from some of the firearms to make them more difficult to trace.

9. Once the firearms reached Texas, Morales arranged for them to be smuggled into Mexico.

OVERT ACTS

10. In furtherance of the conspiracy and in order to accomplish the object of the conspiracy, the defendants and other conspirators committed the following overt acts in the Western District of Oklahoma and elsewhere during the time of the conspiracy:

(a) On or about March 18, 2010, **REYES** paid K.W. to act as a straw buyer and purchase a Bushmaster, .50 caliber semiautomatic rifle, serial number BM00870, for \$4,999.98 cash, from H&H Gun Range. K.W. falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. K.W. gave the firearm to **REYES** after K.W. left the store;

(b) On or about April 10, 2010, law enforcement officers in Ellis County, Texas, stopped a truck containing 28 military type semiautomatic traveling to Laredo, Texas, which borders Nuevo Laredo, Mexico. One of the firearms recovered by law enforcement officers, a ROMARM/CUGIR, 7.62 caliber semiautomatic rifle, serial number ACL-1411-88, traced back to **REYES**;

(c) On or about April 13, 2010, **REYES** paid K.W. to act as a straw buyer and purchase four (4) Century AK-47, 7.62 caliber semiautomatic rifles, serial numbers: 1965IJ2615, 1967AL0679, 1965IJ2590, and 1975FL0277, for \$1,855.34 cash, from Outdoor America. K.W. falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. K.W. gave the firearms to **REYES** after K.W. left the store;

(d) On or about April 14, 2010, **REYES** paid Blanco to act as a straw buyer and purchase five (5) Century AK-47, 7.62 caliber semiautomatic rifles, serial numbers: 1985SBK2799, 1973E14634, 1972CC1585, 165IJ2881, and 1970CLI173, for \$2,319.17 cash, from Outdoor America. Blanco falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. Blanco gave the firearms to **REYES** after Blanco left the store;

(e) On or about April 20, 2010, **REYES** paid K.W. to act as a straw buyer and purchase ten (10) Century AK-47, 7.62 caliber semiautomatic rifles, serial numbers: 1965OP0068, 1986RE4882, 1972CB3184, 1983AG1148, 1983AH2632, 1965OP3256, 1965IJ1548, 1983AF3726, 1981SAK0518, and 1975FO2127, for \$4,638.34 cash, from Outdoor America. K.W. falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. K.W. gave the firearms to **REYES** after K.W. left the store;

(f) On or about April 27, 2010, **REYES** paid Blanco to act as a straw buyer and purchase six (6) Century AK-47, 7.62 caliber semiautomatic rifles,

serial numbers: 1975FM3887, 1983SAV4770, 1965MN1080, 1983SAV4575, 1971CS3727, and 1967AF1140, for \$2,783.00 cash, from Outdoor America. Blanco falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. Blanco gave the firearms to **REYES** after Blanco left the store. The rifle with serial number 1983SAV4575 was recovered by Mexican Military personnel in Los Aldamas, Mexico, on June 12, 2010;

(g) On or about April 28, 2010, **REYES** paid Blanco to act as a straw buyer and purchase five (5) SKS, 7.62 caliber semiautomatic rifles, serial numbers: 10053012, 22012992, 21059602, 10223578, and 14858RT, for \$1,761.09 cash, from Big Boy's Guns and Ammo. Blanco falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. Blanco gave the firearms to **REYES** after Blanco left the store;

(h) On or about April 30, 2010, **REYES** used his credit card to purchase four (4) Century AK-47, 7.62 caliber semiautomatic rifles, serial numbers: 1973EM3586, 1983AH3209, 1973EN3470, and 1970CM2449 for \$2518.57, from Outdoor America;

(i) On or about April 30, 2010, **REYES** paid Blanco to act as a straw buyer and purchase three (3) SKS, 7.62 caliber semiautomatic rifles, for **REYES** from Big Boy's Guns and Ammo. Blanco falsely completed the ATF Form 4473 by certifying he was the actual buyer of the firearms. Big Boy's Guns and

Ammo delayed the sale, so Blanco left the store without the firearms and returned the purchase money to **REYES**;

(j) Later on April 30, 2010, after they were unable to complete the transaction at Big Boy's Guns and Ammo, Blanco asked his girlfriend, M.M., to act as a straw buyer and purchase three (3) Century AK-47, 7.62 caliber semiautomatic rifles, serial numbers: 1981SAI2252, 1981SAH0208, and 1973EX1024, for \$1,391.50 cash, from Outdoor America. M.M. falsely completed the ATF Form 4473 by certifying she was the actual buyer of the firearms. M.M. and Blanco then gave the firearms to **REYES**;

(k) On or about June 8, 2010, **REYES** purchased a Barrett .50 caliber semiautomatic rifle, serial number 20140, and a Century AK-47, 7.62 caliber semiautomatic rifle, serial number 1965MN0772, for \$11,200 from a witness cooperating with ATF;

(l) On or about June 9, 2010, **REYES** purchased a second Barrett, .50 caliber semiautomatic rifle, serial number 24793, for \$9,244.68, from Butch's Guns. That same day, **REYES** delivered the three firearms he purchased June 8th and 9th to Morales near Purcell, Oklahoma, and Morales took the firearms to his residence in Lewisville, Texas. The Barrett was recovered by Mexican Army personnel in Nuevo Laredo, Mexico, on July 16, 2010;

(m) On or about June 15, 2010, the drivers of two vehicles attempted to smuggle forty-six (46) firearms from Eagle Pass, Texas, into Mexico.

The vehicles contained the Barrett and the Century semiautomatic rifles that were purchased by **REYES** on June 8, 2010. Many of the firearms, including the Barrett and Century, had serial numbers removed; and

(n) On or about July 22, 2010, **REYES** purchased two (2) ROMARM/CUGIR, semiautomatic rifles, serial numbers: S11140499 (5.56 caliber) and S20012799 (7.62 caliber), for \$800. Three days later, **REYES** drove to Texas and gave the firearms to Morales at his residence in Lewisville, Texas. Between July 22, 2010, and August 10, 2010, Morales removed the serial numbers from the these two firearms, which were found in Morales' residence.

The U.S. Attorney incorporates by reference Count 2 as an additional Overt Act.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

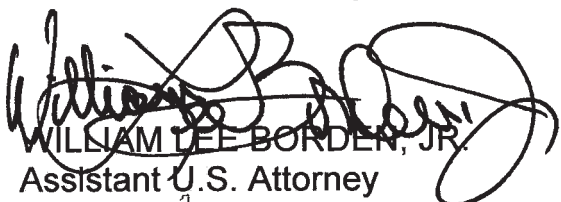
23. Paragraph 10(m) is realleged and incorporated by reference.

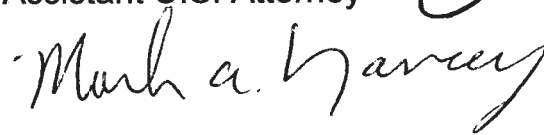
24. On or about June 9, 2010, in the Western District of Oklahoma,

----- **FRANCISCO JAVIER REYES**, -----
a resident of Oklahoma, knowingly transferred a Barrett, .50 caliber semiautomatic rifle, serial number 20140; a Barrett, .50 caliber semiautomatic rifle, serial number 24793; and a Century AK-47, 7.62 caliber semiautomatic rifle, serial number 1965MN0772 to a Gregorio Morales Martinez, knowing or having reasonable cause to believe Morales was a resident of Texas.

All in violation of Title 18, United States Code, Section 922(a)(5).

SANFORD C. COATS
United States Attorney


WILLIAM LEE BORDEN, JR.
Assistant U.S. Attorney


MARK A. YANCEY
Assistant U.S. Attorney